

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 24, 2016

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, Vice Chairman Lodge, Senators Davis, Hill, Winder, Lakey, Stennett and Buckner-Webb

ABSENT/ EXCUSED: Senator Siddoway

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman McKenzie** called the Senate State Affairs Committee (Committee) to order at 8:06 a.m. with a quorum present.

RS 24569 STATING FINDINGS OF THE LEGISLATURE to recognize the contributions and accomplishments of Hecla Mining Company (Company) and its employees on the Company's 125th anniversary.

Senator Nonini, District 3, described **RS 24569** as a Senate Concurrent Resolution honoring Hecla Mining Company on its 125th anniversary. Senator Crapo originated a Congressional Resolution and the Governor initiated a proclamation; the Legislature should also acknowledge this anniversary. **Senator Nonini** told about his childhood experience some 50 years ago in Wallace, Idaho, as it related to Hecla Mining Company, at that time known as the Lucky Friday Mine. Hecla Mining Company is the oldest company in Idaho that is publicly traded on the New York Stock Exchange. He said the Legislature should recognize Hecla Mining Company.

MOTION: **Senator Winder** moved to send **RS 24569** to print. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

Vice Chairman Lodge welcomed Mayor Darin Taylor and the Mayor's Youth Advisory Council from Middleton, Idaho.

RS 24558 RELATING TO ALCOHOL BEVERAGE CATERING PERMITS to revise provisions regarding alcohol beverage catering permits.

Seth Grigg, Executive Director, Association of Idaho Cities (Association), explained that this is a concern related to alcohol catering permits issued at the local level. Cities and counties are authorized by Idaho law to issue a temporary catering permit where alcohol can be served. The permits are based on the type of beer and/or wine license held by the permit applicant. Current Idaho law limits the timeframe on a permit to three days. There are many special events that last more than three days. **Mr. Grigg** provided an example explaining what happens when an event runs more than three days. The intent of **RS 24558** is to provide flexibility at the local level when issuing permits for events that extend past the three-day limit. Section 1 - Definitions, creates a definition for longer-running events. Section 2 extends the number of days that a permit is authorized from three days to five days, and then the local jurisdiction, at its discretion, can extend that permit one time for up to five days. That would cover a weekend-to-weekend event. Recommendations by the Idaho Licensed Beverage Association were incorporated into the draft as well as language recommended by Idaho Alcohol Beverage Control (ABC).

- MOTION:** **Senator Davis** moved to send **RS 24558** to print. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.
- RS 24573** RELATING TO INVASIVE SPECIES to clarify the role of law enforcement in issuing complaints/citations relating to invasive species.
- Chairman McKenzie** stated, for the record, that he took a personal interest in this bill and worked on it with Senator Harris. He asked Senator Harris to bring the RS to the Committee for a print hearing assuming it would then go to a germane committee.
- MOTION:** **Senator Davis** moved to send **RS 24573** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.
- RS 24505** RELATING TO ALCOHOL BEVERAGE CATERING PERMITS to allow a winery hosting an event to have a catering permit that will cover other wineries demonstrating their wines on the host's premises.
- Roger Batt**, representing the Idaho Grape Growers and Wine Producers Commission, specified that **RS 24505** would allow two or more wineries to use a winery's licensed premises to host an event where those wineries may serve and sell their respective wines under an alcohol beverage catering permit. **Mr. Batt** outlined what was contained in current law. This RS will allow multiple wineries to host events at a shared licensed premise. Industry representatives have met with ABC and have their support.
- Chairman McKenzie** noted that a technical correction would be made on the Statement of Purpose.
- MOTION:** **Senator Stennett** moved to send **RS 24505** to print. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.
- RS 24033C1** RELATING TO BINGO AND RAFFLES to provide revisions to multiple statutes to clarify charitable gaming laws and requirements.
- Angela Vitek**, Charitable Gaming Coordinator, Idaho Lottery Commission, explained that **RS 24033C1** incorporates the punctuation and changes suggested by Senator Davis on page 2 line 16 of the RS.
- MOTION:** **Senator Davis** moved to send **RS 24033C1** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.
- RS 24593** **Chairman McKenzie** noted that this RS is to clarify that there should be a second veterans' cemetery located in Eastern Idaho.
- MOTION:** **Senator Davis** moved to send **RS 24593** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.
- S 1274** RELATING TO ABSENTEE VOTING to revise certain deadlines.
- Phil McGrane**, Ada County Chief Deputy Clerk, also representing Idaho Association of Counties and Idaho Association of County Recorders and Clerks, explained that **S 1274** is the number one priority for the Idaho Association of Counties in terms of their legislative package. The bill changes the deadline to request an absentee ballot from the sixth day preceding the election to the eleventh day preceding the election. **Mr. McGrane** reviewed the process for requesting an absentee ballot. Changes in delivery by the postal service do not allow sufficient time for mailing a ballot to a voter and for the voter to return it by election day.
- The United State Postal Service used to give priority to absentee ballots, but that practice is slowing down. The closure of the Pocatello distribution center is one of the reasons; mail must now go to Salt Lake City and then back to Idaho. The Ada County Clerk's office initiated this legislation. During the last city elections, there was a large delay in the returns. It took about seven days to get the ballots back. At the seven

day point, 24 percent of the absentee ballots that had been mailed out had been returned; it should have been about 50 percent at that point in time. Discussions with the Marketing Director at the Salt Lake City distribution center resulted in the Director's recommendation that a postal mark be used as the date that qualified the absentee ballot. He said there are other complications related to that type of solution. This bill provides ample time for the ballot to go from a county clerk's office to the voter and gives the voter opportunity for a timely return.

Senator Hill asked about the difference between an "application for a mail-in absentee ballot" and an "application for an in-person absentee ballot." He described what happened when he went to vote using an absentee ballot. **Mr. McGrane** responded that the process is changing with the advent of early voting, but the in-person ballot Senator Hill received could also be mailed in.

Senator Davis asked why, on page 2, the six was changed to an eleven rather than inserting "on or before?" **Mr. McGrane** explained that the line is in reference to when the county clerk's office receives the application, not when the application is processed and the ballot is mailed out. **Senator Davis** quoted page 2, line 18-20, "the application for a mail-in absentee ballot shall be received by the clerk not later than 5:00 p.m. on the sixth day before the election." The focus is the application, is that correct? **Mr. McGrane** agreed. **Senator Davis** indicated that the eleventh day gives enough time to mark and return the ballot. Is that correct? **Mr. McGrane**, said yes. **Senator Davis** asked Mr. McGrane if, in his experience, is eleven the right number. **Mr. McGrane** said that the clerk's offices are balancing priorities with respect to absentee ballot requests. They referred to various local tracking systems to estimate mailing times. One delivery and return in seven days was possible in some areas, but could be a problem in remote areas. Eleven days was determined to be a plausible time-frame.

Senator Davis observed that there are people that regularly vote absentee. Do you think changing from six days to eleven will disenfranchise some individuals? **Mr. McGrane** answered that the primary concern is not to create a great gap in time between requesting the ballot and election day. If a voter cannot get an absentee ballot sent in the allotted time, there is still in-person absentee or early voting.

Senator Hill asked if there was a deadline when the ballot had to be received by the county clerk? **Mr. McGrane** responded that they were due when the polls closed; every ballot must be in hand; a special run is made to the post office to pick up any remaining mail. **Senator Hill** restated for confirmation that if the postal service does not get the ballot back in time, it won't be counted. Is this change being made for the convenience of not wasting time and postage to mail out an absentee ballot when there is less chance for it to make it back in time? **Mr. McGrane** answered that it is more a concern of disenfranchisement. A voter that requests an absentee ballot on the Tuesday or Wednesday just prior to the election believes that they will have the opportunity to vote. Current information says that scenario is giving those voters a false sense of security that they voted and it was counted. Considering the amount of mailing time it takes, it is unlikely those votes will count. The cost is insignificant. **Senator Hill** stated his concern with the eleven days; it is a long time. Existing language in statute says "it shall be received." **Mr. McGrane** strongly advocated against any discretion of that nature. When there is disagreement in counting votes, clerk discretion is a dangerous thing. **Senator Hill** agreed that there should not be discretion; you are giving plenty of time with the eleven days.

Chairman McKenzie commented about the United States Postal Service, saying the organization is less responsive and user friendly than it has been in the past. He observed that the United Kingdom (UK) just finished the final sell-off of the Royal Mail last year. A Forbes article from last year states that the United States Postal Service can learn from the privatization of UK's Royal Mail. Experts are postulating

that the window for sustainable, comprehensive postal reform in the United States is rapidly closing, especially in the face of the lucrative, privatized parcel service. This is not a criticism of the bill; in his opinion, it is a change being forced by the United States Postal Service.

Senator Stennett agreed. Post offices in her area have to send mail to Salt Lake before returning it to Idaho for delivery, which doesn't seem efficient. Deadlines are much earlier, creating difficulties for commerce.

MOTION: **Senator Stennett** moved to send **S 1274** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

S 1275 RELATING TO ABSENTEE VOTING to add counties utilizing the polling location based tabulation system (system).

Mr. McGrane explained that this legislation is coming from Ada County Elections. The revisions clarify that the new election system can be used in the early voting process. This new technology involves a typical optical, scanned, ballot where a square or oval is marked similar to what has been in place since the 1970s. This technology is used in the vast majority of the State. The major difference between Ada County's new system and most of the other systems throughout the State is that Ada County is moving from a central-count county, which most other counties are, to the new system. This is a monumental shift. The ballots will not be counted centrally. The results will be tabulated as the voter stands in front of the ballot box and deposits their ballot. There is a scanner attached to the top of the ballot box. The paper ballots are scanned in and the results are tabulated. The new system doesn't impact paper ballot communities.

Senator Davis asked, when he shows up to vote, is he standing in front of the machine with his ballot in hand ready to submit his vote? **Mr. McGrane** answered that it is still the same experience as voters have in Bonneville County right now. The change comes when the ballot is deposited. The ballot is inserted into the scanner and it will be tabulated and deposited in the ballot box. If a voter has made an error and the ballot is not accepted, the ballot is kicked out of the scanner and the voter has the option to redeposit it or to get a new ballot. The paper ballot is still retained as the official record.

Senator Davis asked about the number of devices for each polling location. **Mr. McGrane** said there would be one device per precinct. The biggest delay in the voting process is where the voter fills out the ballot. Each voter will be given a secrecy sleeve so the ballot is kept covered. When it is deposited the voter is standing alone and there are blinders on the sides of the scanner so someone else cannot read the ballot. **Senator Davis** stated his concern about the display screen being vertical instead of horizontal and the opportunity for someone else to read the voters ballot. **Senator Davis** asked for confidence that the privacy of the ballot would be protected. **Mr. McGrane** demonstrated how the polling machine would work. The markings on the ballot were not displayed on the screen; only notification that the ballot was deposited successfully is displayed. Secrecy is not harmed.

Senator Lakey asked for clarification about what information was appearing on the screen. If the ballot is kicked back out, what options do they have to correct it? **Mr. McGrane** responded that the voter can either resubmit the same ballot and that vote would not be counted, or the voter could get a new ballot and vote again.

Senator Lodge asked if there could be distance between the waiting line and the ballot box and scanner. **Mr. McGrane** said yes. However, typically, lines do not form at the ballot box. Lines form at the poll-book and ballots are not issued until there is a voting booth available. There is almost never a line at the ballot box.

MOTION: **Senator Lodge** moved to send **S 1275** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman McKenzie** adjourned the meeting at 8:52 a.m.

Senator McKenzie
Chair

Twyla Melton
Secretary